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HEWLETT PACKARD COMPANY  
P O BOX 272400, 3404 E. HARMONY ROAD  
INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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ZHEN, LI B

ART UNIT	PAPER NUMBER
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2194

NOTIFICATION DATE	DELIVERY MODE
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10/16/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM  
mkraft@hp.com  
ipa.mail@hp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/808,223	<b>Applicant(s)</b> KRISHNASWAMY ET AL.	
	<b>Examiner</b> LI B. ZHEN	<b>Art Unit</b> 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 11-13 and 15-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-13 and 15-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1 – 6, 11 – 13 and 15 – 26 are pending in the application.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/4/2008 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1 – 6, 11 – 13 and 15 – 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Currently amended claims 1, 11, 17, 22 and 26 recite the new limitation “converting by the data transformation adapter the one or more data objects in XML to a non-eXtensible Markup Language (non-XML)”. There does not appear to be a written description of the claimed limitation in the application as filed. Examiner was unable to find specific disclosure of converting data in XML to non-XML. In addition, dependent claims 4, 13, 20, and 25 identify the non-XML as including an application-specific object model type. However, application’s specification discloses that application-specific object model object types are represented in XML schema [p. 8, lines 8 – 9 and line 27]. Therefore, it is unclear as to how non-XML data objects can include application-specific object model types that are represented in XML schema. Applicant’s specification does not disclose or suggest converting data in XML to non-XML format. Therefore, the applicant fails to disclose “converting by the data transformation adapter the one or more data objects in XML to a non-eXtensible Markup Language (non-XML)” in the specification as filed.

### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 22 – 25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 22 recites a system comprising: a communication line, transformation adapter, transformation class generator, and an application. The transformation adapter, transformation class generator, and an application are interpreted as software only. The communication line as disclosed in the specification (p. 21, lines 1 – 5) includes wireless or infrared signals. Currently presented claim 22 does not include any computer hardware; therefore, the system as recited in claim 22 is considered to include software only. Computer software is functional descriptive material; however, function descriptive material is nonstatutory when claimed as descriptive material per se. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Since claim 22 does not recite the software as being recorded on a computer-readable medium, the system is interpreted as comprising functional descriptive material per se and non statutory. See MPEP § 2106.01.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

Art Unit: 2194

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**10. Claims 1 – 6, 11 – 13 and 15 – 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0120652 to Rising et al. [hereinafter Rising] in view of U.S. Patent Application Publication No. 2003/0037174 to Lavin et al. [hereinafter Lavin].**

11. As to claim 1, Rising teaches a method of data object transformation between a middleware and a application [paragraph 0023], the method comprising:

receiving a message by a data transformation adapter [DDL to ASDL translators 113, 119; paragraph 0023], the message including one or more data objects in an extensible Markup Language (XML) [DDL for MPEG-7 multimedia content is based on the XML; paragraph 0008],

converting by the data transformation adapter [translators 113, 119 use transform functions defined in an XSLT (XML stylesheet translation) document that maps between DDL and ASDL namespaces; paragraph 0023] the one or more data objects in XML to a non-extensible Markup Language (non-XML) [ASDL may written in a language other than XML; paragraph 0024], wherein the one or more data objects are converted using

Art Unit: 2194

a first set of one or more transformation classes [paragraph 0028], the one or more transformation classes being configured to transform the one or more data objects in XML to non-XML [paragraph 0023 and 0024], each of the one or more transformation classes generated using mapping rules [transformation functions for mapping into the application specific markup language; paragraph 0031], the mapping rules including XML based syntax that uses rule specification guide to facilitate transforming the one or more data objects in XML to non-XML [paragraph 0024]; and

transmitting by the data transformation adapter the one or more data objects in non-XML to an application [resulting binary ASDL instance document is published on the web site 108 for transmission to the clients 102, 104 upon request; paragraph 0032]. Rising does not teach a messaging middleware, a message in a first communications format, converting by the data transformation adapter the message from the first communications format to a second communications format.

However, Lavin teaches a messaging middleware [middleware software 116; paragraph 0066], a message in a first communications format [middleware format; paragraph 0084], converting by the data transformation adapter the message from the first communications format to a second communications format [translation 138 moves the data from the middleware format to a neutral format which is then converted to the application format by the plug 140; paragraph 0085].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Rising to incorporate the features of Lavin. One of ordinary skill in the art would have been motivated to make the

Art Unit: 2194

combination because this organizes an adapter/connector into a plug and socket and isolates application-specific software services and resources into the plug and middleware-specific software components into the socket [paragraph 0034 of Lavin].

12. As to claim 11, Rising as modified teaches a data transformation adapter [DDL to ASDL translators 113, 119; paragraph 0023 of Rising] having program instructions stored in memory [paragraph 0033 of Rising], the program instructions comprising:

generating a first object model [DDL for MPEG-7 multimedia content is based on the XML; paragraph 0008 of Rising] and a second object model [ASDL may written in a language other than XML; paragraph 0024 of Rising], the first object model including a plurality of data objects in an extensible Markup Language (XML) [paragraph 0008 of Rising], and the second object model including a plurality of data objects in a non-extensible Markup Language [paragraph 0024 of Rising] storing the first and second object models in one or more memories [paragraph 0033 of Rising];

generating mapping rules [paragraph 0023 of Rising], the mapping rules including XML based syntax that uses rule specification guide to facilitate transforming the one or more data objects in XML to non-XML [paragraph 0023 and 0024 of Rising and paragraph 0085 of Lavin];

generating a plurality of transformation classes using the first and second object models and the transformation mapping rules [paragraph 0023 of Rising], the one or more transformation classes being configured to transform the one or more data objects



Art Unit: 2194

in XML to non-XML receiving one or more data objects [paragraph 0023 and 0024 of Rising and paragraph 0142 of Lavin];

converting the received one or more data objects, via the transformation classes, (1) in XML to non-XML [paragraph 0024 of Rising]; or (2) in non-XML to XML; and transmitting the converted one or more data objects [paragraph 0032 of Rising].

13. As to claim 17, this is a system claim that corresponds to method claim 1; therefore, it is rejected for the same reasons as claim 1 above.

14. As to claim 22, Rising as modified teaches a system for data object transformation [paragraph 0023 of Rising], the system comprising:

a communications line [paragraph 0031 of Rising];

a transformation adapter [paragraph 0023 of Rising] coupled to the communications line, the transformation adapter including:

an assembly/disassembly layer configured to convert messages from a first communications format to a second communications format [paragraph 0085 of Lavin];

a transformation layer configured to convert data objects in an extensible Markup Language (XML) to a non-extensible Markup Language (non-XML) using one or more transformation classes [paragraph 0023 of Rising], the one or more transformation classes being configured to transform the one or more data objects in XML to non-XML [paragraph 0024 of Rising]; and

a method invocation layer [paragraph 0196 of Lavin];

a transformation class generator coupled to the transformation adapter, the transformation class generator configured to generate the one or more transformation classes using transformation mapping rules [paragraph 0031 of Rising], the mapping rules including XML based syntax that uses rule specification guide to facilitate transforming the one or more data objects in XML to non-XML [paragraph 0024 of Rising]; and

an application coupled to the transformation adapter, wherein the application transmits data to and receives data from the method invocation layer [paragraph 0032 of Rising].

15. As to claim 26, this is an apparatus claim that corresponds to program product claim 11; therefore, it is rejected for the same reasons as claim 11 above.

16. As to claim 2, Rising as modified teaches the first communications format includes a middleware-dependent format, and the second communications format includes a middleware-independent format [translation 138 moves the data from the middleware format to a neutral format which is then converted to the application format by the plug 140; paragraph 0085 of Lavin].

17. As to claim 3, Rising as modified teaches wherein each of the one or more data objects includes a Java object [paragraph 0088 of Lavin].

Art Unit: 2194

18. As to claim 4, Rising teaches wherein the XML includes a domain object model type [DDL, general application domain; paragraph 0013] and the non-XML includes an application-specific object model type [Application Specific Description Languages; paragraph 0022].

19. As to claim 5, Rising as modified teaches registering the application with the messaging middleware [paragraph 0118 of Lavin]; and transmitting high-level function calls to the application [paragraph 0031 of Lavin].

20. As to claim 6, Rising as modified teaches receiving a second message from the application, the second message including one or more data objects in non-XML [translating back (via XSLT) to the full DDL, and through a second translation function; paragraph 0037 of Rising]; converting the one or more data objects in non-XML to XML, wherein the one or more data objects are converted using a second set of one or more of the transformation classes [paragraph 0023 of Rising]; generating a communications line dependent message, the communications line dependent message including the one or more data objects in XML [paragraph 0085 of Lavin]; and transmitting the communications line dependent message to the messaging middleware [paragraph 0032 of Rising].

21. As to claims 12 and 13, these are rejected for the same reasons as claims 3 and 4, respectively.

22. As to claim 15, Rising as modified teaches the one or more data objects are received from a messaging middleware [paragraph 0066 of Lavin].

23. As to claim 16, Rising as modified teaches the one or more data objects are received from an application, the application being coupled to a messaging middleware [paragraph 0066 of Lavin].

24. As to claims 18 – 21, these are rejected for the same reasons as claims 1 – 4 and 6, respectively.

25. As to claim 23, Rising as modified teaches wherein the communications line includes messaging middleware [paragraph 0066 of Lavin].

26. As to claims 24 and 25, these are rejected for the same reasons as claims 3 and 4, respectively.

#### **CONTACT INFORMATION**

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (571) 272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

Art Unit: 2194

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/  
Primary Examiner, Art Unit 2194

Li B. Zhen  
Primary Examiner  
Art Unit 2194